

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Elsevier Inc.,

Plaintiff,

against

08cv5482(GBD)

CIVIL CASE MANAGEMENT  
PLAN AND SCHEDULING ORDER

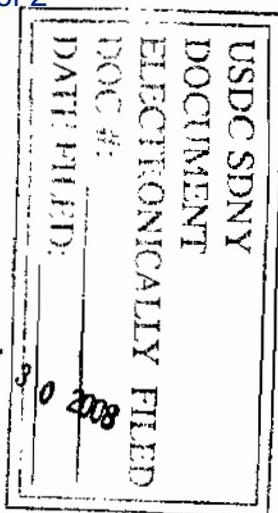
Encyclopedia Britannica, Inc.

Defendant.

X

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- 1 No additional parties may be joined after November 6, 2008
- 2 No amendment to the pleadings will be permitted after November 6, 2008
- 3 Except for good cause shown, all discovery shall be commenced in time to be completed by December 11, 2008. The Court expects discovery to be completed within 90 days of the first scheduling conference. Unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 30 more days) is needed to complete discovery. In such event discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances
- 4 Dispositive motions are to be served by March 5, 2009. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
- 5 A final pretrial conference will be held on April 9, 2009 at 9:30 a.m.
- 6 The Joint Pretrial Order shall be filed no later than March 12, 2009. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice
- 7 All motions and applications shall be governed by the Court's Individual Rules of Practice



8 The parties shall be ready for trial on 48 hours notice on or after April 16, 2009.  
The estimated trial time is \_\_\_\_\_ days and this is a (jury) (non-jury) trial.

9 The Next Case Management Conference will be held on January 8, 2009 at  
9:30 a.m.

Dated June 23, 2008  
New York New York

SO ORDERED

*George B. Daniels*  
Jun 30 2008

GEORGE B DANIELS

**HON. GEORGE B. DANIELS**

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Attorney for Plaintiff

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Attorney for Defendant